

R E M A R K S

- Claims **1-27 and 44-49** were pending in the present application
- Claims **1-27 and 44-49** stand rejected

Upon entry of this amendment, which is respectfully requested for the reasons set forth below:

- Claims **1-27 and 44-49** will be pending
- Claims **1-27 and 44-49** will be amended
- Claims **1, 19 and 44-49** will be the only independent claims

Telephone Interview

Applicants would like to thank the Examiner for the helpful telephone conversations held on November 27, 2001 and December 4, 2001, with Applicants' representatives. The Examiner and Applicants' representatives discussed the present application in light of the cited references.

Applicants' representatives suggested that the prior art of record does not teach or suggest a feature generally directed to either (i) *determining a price for said identified travel product based on said flexibility range* or (ii) *determining a price for said at least one identified travel product based on a number of said identified travel products satisfying said flexibility range*. The Examiner did not agree.

The Examiner and Applicants' representatives agreed during the telephone conversation held December 4, 2001 that Ahlstrom does not teach or suggest a feature generally directed to either (i) *determining a second selling price for said identified travel product based on said second flexibility range*, as now recited in each of independent Claims **1 and 44-46**; or (ii) *determining a second selling price for said at least one identified travel product based on a number of said identified travel products satisfying said second flexibility range*, as now recited in each of independent Claims **19 and 47-49**.

The Examiner and Applicants' representatives also agreed that Ahlstrom does not teach or suggest a feature generally directed to *wherein said price to the customer is determined by discounting an established price*, as recited in Claims **2 and 21** as originally filed.

Applicants are grateful for the opportunity to discuss the present application with the Examiner.

Claim Amendments

1. Independent Claims **1, 19 and 44-49** have been amended

No new matter has been added. Applicants reserve the right to pursue, in a continuing application, the subject matter of independent Claims **1, 19 and 44-49** as originally filed and/or as previously amended.

2. Independent Claim 45 has been amended

Independent Claim 45 has been amended to remove the phrase “for said travel product.” No new matter has been added, and the amendment was not made for any reason related to patentability.

Section 102(b) and 103(a) Rejections

Claims 1-15, 18-27 and 44-49 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,862,357 issued to Ahlstrom (“Ahlstrom”). Applicants respectfully traverse the Examiner’s Section 102(b) rejection. Claims 16-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlstrom. Applicants respectfully traverse the Examiner’s Section 103(a) rejection.

However, as discussed with the Examiner during the telephone conversation of December 4, 2001, all of independent Claims 1 and 44-46 now recite a feature generally directed to *determining a second selling price for said identified travel product based on said second flexibility range*. Further, each of independent Claims 19 and 47-49 now recites a feature generally directed to *determining a second selling price for said at least one identified travel product based on a number of said identified travel products satisfying said second flexibility range*.

As discussed with the Examiner, Ahlstrom is devoid of a hint or suggestion of determining a first selling price for an identified travel product based on a first flexibility range and determining a second selling price for the same identified travel product based on a second flexibility range. In fact, Ahlstrom is devoid of a hint or suggestion of determining a second selling price at all. Accordingly, Applicants respectfully submit that Ahlstrom does not teach or suggest all of the features of any of amended independent Claims 1, 19 and 44-49.

Applicants respectfully submit that Claims 1-27 and 44-49 are in condition for allowance.

Response to Arguments

With respect to the Examiner’s Section 103(a) rejection of Claims 16-17, Applicants respectfully traverse the Examiner’s Official Notice that it was well known at the time of invention “to allow a passenger to obtain a voucher for a flight from an on-line transaction with an airline, in what is commonly known as an ‘electronic ticketing.’”

Based on Applicants’ own understanding of what may be commonly referred to as “electronic ticketing,” the feature of a voucher, as according to various embodiments of the present invention, may be different than what is commonly referred to as electronic ticket. Unfortunately, without a reference, it is difficult for Applicants to address specifically what the Examiner is asserting is well known.

Applicants dispute that the subject matter asserted was “well known” at the time the invention was made. Accordingly, Applicants traverse the Examiner’s assertions and request that the Examiner cite appropriate references to support these assertions as required by MPEP 2144.03 (“If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position.”).

Alternatively, if the Examiner believes that the above-described assertions are instead based on personal knowledge, rather than on facts "which are capable of instant and unquestionable demonstration as being 'well-known' in the art", then Applicants respectfully request that the Examiner provide an affidavit to support these assertions as required by MPEP 2144.03 ("When a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the examiner.").

Conclusion

It is submitted that all of the claims are now in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

Please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Mike Downs at telephone number (203) 461-7292 or via electronic mail at mtdowns@walkerdigital.com.

Petition for Extension of Time to Respond

Applicants hereby petition for a one-month extension of time with which to respond to the Office Action. Please charge \$110.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an additional extension of time is required, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

December 28, 2001
Date

Respectfully submitted,



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A M E N D M E N T**Marked-Up Version**

Please amend the above-identified application as follows:

IN THE CLAIMS:

Please Note: For convenience, a copy of all pending claims is provided. Claims not being amended herein are in smaller font.

Please **REPLACE** Claims 1-11, 14, 19-22, 25 and 44-49 as follows:

1. (TWICE AMENDED) A method for pricing a travel product, comprising the steps of:
obtaining a first flexibility range from a first customer;
obtaining a second flexibility range from a second customer;
identifying at least one travel product that satisfies said first flexibility range and said
second flexibility range; [and]
determining a first selling price for said identified travel product based on said first
flexibility range[.]; and
determining a second selling price for said identified travel product based on said second
flexibility range.
2. (AMENDED) The method of claim 1, wherein said first selling price is determined by discounting an established price.
3. (AMENDED) The method of claim 1, wherein said first selling price is determined by scoring said first flexibility range to obtain a score and using said score to determine a percentage discount off of an established price.
4. (AMENDED) The method of claim 1, wherein said first selling price is determined by scoring said first flexibility range to obtain a score and using said score to determine a monetary discount off of an established price.
5. (AMENDED) The method of claim 1, wherein said first selling price is proportional to said first flexibility range.
6. (AMENDED) The method of claim 1, wherein said first flexibility range is specified in terms of a preferred travel product and a set of tolerances for at least one variable component of said travel product.
7. (AMENDED) The method of claim 1, wherein said first flexibility range is specified in terms of a minimum and maximum value for at least one variable component of said travel product.

8. (AMENDED) The method of claim 1, wherein said first flexibility range includes acceptable times and dates.
9. (AMENDED) The method of claim 1, wherein said first flexibility range includes a desired level of service.
10. (AMENDED) The method of claim 1, wherein said first flexibility range includes an acceptable location assignment for a travel product.
11. (AMENDED) The method of claim 1, wherein said first selling price is determined by multiplying a wholesale price by a predefined value.
12. The method of claim 1, wherein said identified travel product has a price not greater than a maximum price identified by said customer.
13. The method of claim 1, wherein said identifying step identifies a travel product other than a preferred travel product identified by said customer.
14. (AMENDED) The method of claim 1, wherein said identified travel product is selected randomly from a set of travel products satisfying said first flexibility range.
15. The method of claim 1, wherein said identifying step further comprises the step of selecting said identified travel product based on revenue management information.
16. The method of claim 1, further comprising the step of providing a voucher to said customer to enable the purchase of one of said identified travel products.
17. The method of claim 16, further comprising the step of recording identifying information about said voucher.
18. The method of claim 1, further comprising the step of charging a penalty to said customer if said customer fails to purchase said identified travel product.
19. (TWICE AMENDED) A method for pricing a travel product, comprising the steps of:
 - obtaining a first flexibility range from a first customer;
 - obtaining a second flexibility range from a second customer;
 - identifying at least one travel product that satisfies said first flexibility range and said second flexibility range; [and]
 - determining a first selling price for said at least one identified travel product based on a number of said identified travel products satisfying said first flexibility range[.]; and
 - determining a second selling price for said at least one identified travel product based on a number of said identified travel products satisfying said second flexibility range.
20. (AMENDED) The method of claim 19, wherein said first selling price is determined by determining a percentage discount off of an established price.
21. (AMENDED) The method of claim 19, wherein said first selling price is determined by determining a monetary discount off of an established price.

22. (AMENDED) The method of claim 19, wherein said first selling price is proportional to said first flexibility range.
23. The method of claim 19, wherein said identified travel product has a price not greater than a maximum price identified by said customer.
24. The method of claim 19, wherein said identifying step identifies a travel product other than a preferred travel product identified by said customer.
25. (AMENDED) The method of claim 19, wherein said identified travel product is selected randomly from a set of travel products satisfying said first flexibility range.
26. The method of claim 19, wherein said identifying step further comprises the step of selecting said identified travel product based on revenue management information.
27. The method of claim 19, further comprising the step of charging a penalty to said customer if said customer fails to purchase said identified travel product.
44. (TWICE AMENDED) A system for pricing a travel product, comprising:
a memory for storing computer-readable code; and
a processor operatively coupled to said memory, said processor configured to:
 obtain a first flexibility range from a first customer;
 obtain a second flexibility range from a second customer;
 identify at least one travel product that satisfies said first flexibility range and said second flexibility range; [and]
 determine a first selling price for said identified travel product based on said first flexibility range[.]; and
 determine a second selling price for said identified travel product based on said second flexibility range.
45. (TWICE AMENDED) A system for pricing a travel product, comprising:
 means for obtaining a first flexibility range from a first customer [for said travel product];
 means for obtaining a second flexibility range from a second customer;
 means for identifying at least one travel product that satisfies said first flexibility range and said second flexibility range; [and]
 means for determining a first selling price for said identified travel product based on said first flexibility range[.]; and
 means for determining a second selling price for said identified travel product based on said second flexibility range.

46. (TWICE AMENDED) An article of manufacture for processing the sale of a product comprising:
- a computer readable medium having computer readable code means embodied thereon, said computer readable program code means comprising:
 - a step to obtain a first flexibility range from a first customer;
 - a step to obtain a second flexibility range from a second customer;
 - a step to identify at least one travel product that satisfies said first flexibility range and said second flexibility range; [and]
 - a step to determine a first selling price for said identified travel product based on said first flexibility range.; and
 - a step to determine a second selling price for said identified travel product based on said second flexibility range.
47. (TWICE AMENDED) A system for pricing a travel product, comprising:
- a memory for storing computer-readable code; and
 - a processor operatively coupled to said memory, said processor configured to:
 - obtain a first flexibility range from a first customer;
 - obtain a second flexibility range from a second customer;
 - identify at least one travel product that satisfies said first flexibility range and said second flexibility range; [and]
 - determine a first selling price for said at least one identified travel product based on a number of said identified travel products satisfying said first flexibility range.; and
 - determine a second selling price for said at least one identified travel product based on a number of said identified travel products satisfying said second flexibility range.
48. (TWICE AMENDED) A system for pricing a travel product, comprising:
- means for obtaining a first flexibility range from a first customer;
 - means for obtaining a second flexibility range from a second customer;
 - means for identifying at least one travel product that satisfies said first flexibility range and said second flexibility range; [and]
 - means for determining a first selling price for said at least one identified travel product based on a number of said identified travel products satisfying said first flexibility range.; and
 - means for determining a second selling price for said at least one identified travel product based on a number of said identified travel products satisfying said second flexibility range.

49. (TWICE AMENDED) An article of manufacture for processing the sale of a product comprising:

a computer readable medium having computer readable code means embodied thereon, said computer readable program code means comprising:

a step to obtain a first flexibility range from a first customer;

a step to obtain a second flexibility range from a second customer;

a step to identify at least one travel product that satisfies said first flexibility range and said second flexibility range; [and]

a step to determine a first selling price for said at least one identified travel product based on a number of said identified travel products satisfying said first flexibility range.; and

a step to determine a second selling price for said at least one identified travel product based on a number of said identified travel products satisfying said second flexibility range.